

REMARKS

This Amendment is in response to the outstanding Official Action dated July 6, 2001, the shortened statutory period for filing a response having expired on October 6, 2001. In this regard, Applicant submits herewith a Three Month Extension Petition to reset the deadline for responding to the Official Action to and including January 6, 2002. In view of the within response, this application is now in condition for allowance, and notice to that effect is respectfully requested.

The Examiner has objected to the Abstract for those reasons noted in the Official Action. Applicant submits herewith a revised Abstract on a separate sheet annexed hereto thereby overcoming the Examiner's objection.

The Examiner has also objected to the drawings as not disclosing the subject matter of a computer monitor, television and flat screen device as set forth in claims 26-28. In view of the cancellation of these claims, the Examiner's objection is considered traversed and should therefore be withdrawn.

The Examiner has also indicated that reference numeral 168 on page 18, line 7 should read 170. Applicant has amended the specification thereby complying with the Examiner's request.

The Examiner has rejected claims 8-14, 18, 19 and 58-74 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims as noted hereinabove thereby overcoming each of the issues raised by the Examiner. In this regard, it is noted that the Examiner's rejections concern the lack of antecedent basis for certain of the claim terms. Accordingly, the above amendments which overcome these rejections are not to be interpreted as affecting the scope of the claims or precluding the application of the Doctrine of Equivalents.

The Examiner has rejected claims 1-74 and 89-107 under the judicially created Doctrine of Obviousness-Type Double Patenting as being unpatentable over claims 1-58 and 92-118 of co-pending U.S. Patent Application No. 09/406,006. Applicant submits herewith a Terminal Disclaimer thereby overcoming the provisional rejection on the grounds of obviousness-type double patenting.

The Examiner in the Official Action has rejected claims 1, 3, 4, 6, 8-11, 20, 21, 31, 32, 34, 36, 37, 57, 58, 61, 62 and 65-67 under 35 U.S.C. §102(b) as being anticipated by Applicant's prior art illustrated in Figs. 1-7. Of the rejected claims, claims 1 and 57 have been presented in independent form. In view of the above amendments and within remarks, the Examiner's rejection is considered traversed and should therefore be withdrawn.

As to independent claims 1 and 57, the second end cap has a second end cap shaft which is fixedly attached thereto. The second end cap shaft is pivotably received within the opening within the second end of the forearm extension (claim 1) or the coupling of the forearm extension (claim 57), whereby the forearm extension is pivotable about the second end cap shaft overlying the second end cap between a plurality of radial positions. This construction of Applicant's extension arm is not disclosed in the prior art referred to by the Examiner.

Referring to Fig. 8 of Applicant's drawings, the second end cap 108 includes an upwardly extending fixed shaft 114 which is received within the female coupling 142 located on the first end of the forearm extension 110. This construction permits the forearm extension to pivot about the axis of the shaft overlying the second end cap body 112 between a plurality of radial positions.

With reference to the cited prior art, see Figs. 1, 6 and 7, the second end cap 118 is provided only with an opening,

i.e., does not have an end cap shaft. See also page 5, lines 22-24 of Applicant's specification. In this regard, the second end cap is provided with hole 90 for receiving a forearm extension pin 92 which is welded to the forearm extension at one end thereof. Based upon this construction, the forearm extension will rotate about pin 92 underlying the second end body (see Fig. 1), as opposed to overlying the second end cap body as claimed (see Fig. 8).

Based upon the foregoing, there is no disclosure in the prior art of a second end cap having a shaft fixedly attached thereto and extending outwardly therefrom. Nor is there any disclosure of such a shaft being received within an opening or coupling of the forearm extension. Nor is there any disclosure of the forearm extension being pivotable overlying the second end cap body between a plurality of radial positions. Accordingly, the Examiner's rejection of Applicant's claims as being anticipated by Applicant's prior art of Figs. 1-7 is traversed and should therefore be withdrawn.

Applicant also presents new dependent claim 172 which further defines that at least one of the plurality of positions of the forearm extension is arranged overlying the upper channel. This arrangement cannot be achieved by the cited prior art as the upper and lower channels 14, 16 will interfere with rotation of the forearm extension as it rotates underlying the second end cap. Accordingly, claim 172 is deemed allowable over the prior art and notice to that effect is respectfully requested.

The Examiner has rejected Applicant's claims 5, 22, 89-93 and 98-103 as being unpatentable under 35 U.S.C. §103 over Applicant's prior art of Figs. 1-7. Of the rejected claims, claims 89 and 98 have been presented in independent form directed to the upper and lower channels, respectively. The Examiner states that the prior art discloses all of the limitations of the base claim excluding the device being integrally formed. The

Examiner states that it would be obvious to form in one piece an article which has formally been formed in two pieces, citing *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). It is first pointed out to the Examiner that the *Howard* case was decided almost 75 years before the Supreme Court Decision in *Graham v. John Deere Co.*, 383 U.S. 1 (1966) which is controlling today on the issue of obviousness. In the present case, the prior art cited by the Examiner does not render obvious the subject matter of the rejected claims. In this regard, each case must be taken on its own merits.

As set forth in independent claims 89 and 98, the body and the rollers are integrally cast. In the prior art cited by the Examiner, see page 4, lines 13 et seq., the upper channel is typically stamped from 13 gauge steel. The separately formed rollers are attached to the channel by welding. There is nothing in the prior art cited by the Examiner to suggest that the body which forms the upper channel and the rollers can be integrally cast as claimed. In the absence of any prior art cited by the Examiner to suggest this feature of Applicant's claimed invention, there is no basis for holding these claims obvious. Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

In considering Applicant's within response, Applicant designates the dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

Accordingly, Notice of Allowance of all pending claims is respectfully requested. If, for any reason the Examiner is of the opinion that such action cannot be taken at this time, she is

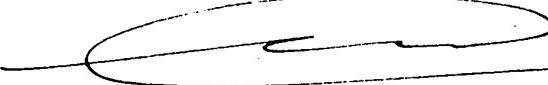
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invited to telephone the undersigned at (908) 654-5000 in order to overcome any additional issue that may be unresolved.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

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